

Remarks

The Examiner rejected claims 1–5, 8–17, 25, 27, and 28 and objected to claims 19–24 and 26. Claims 26 and 27 have been canceled. Claims 1, 14, 17, and 28 have been amended. Claims 1–5, 8–17, and 19–25, and 28 remain in the application.

The Examiner rejected claims 1–5 and 8–16 under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement because the claims contain subject matter not described in such a way as to enable one skilled in the art to make or use the invention.

According to the Examiner, claims 1, 14, and 28 state that the rollers of the roller-top conveyor belt can be rotated to urge a conveyed article toward the first or second side of the belt, but no means for rotating the rollers to urge a conveyed article is shown or disclosed. The Examiner further stated that the language of the claims suggests that the rollers cause the articles to be diverted when they are rotated, rather than merely enabling the articles to be diverted more easily than if the belt had no rollers. Applicant has amended claims 1 and 14, as well as claim 28, by replacing “divert a conveyed article” with “enable a conveyed article atop the rollers to be diverted” to make it clear that the rollers enable, but do not cause, the diversion of conveyed articles.

The Examiner rejected claims 17 and 25 under 35 USC § 103(a) as being unpatentable over Lapeyre et al. in view of Carpenter (US 1,532,228), and merely objected to claims 19–24 and 26. Claim 26 has been cancelled and its limitations incorporated into claim 17, which is now presented in allowable form. The rejections of or objections to dependent claims 19–25 should likewise be withdrawn.

The Examiner rejected claims 27 and 28 under 35 USC § 103(a) as being unpatentable over Lapeyre et al. (US 6,148,990) in view of Bonnet (US 5,988,356). Claim 27 has been

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cancelled. Applicant requests the Examiner to reconsider his rejection of claim 28. MPEP § 2142 provides: “[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations.” Lapeyre et al. and Bonnet, in combination, do not show all the limitations of the claims as amended and, furthermore, do not suggest the modification of its own teaching to arrive at applicants’ invention. Neither reference shows “first and second exit conveyors abutting the belt at the first and second sides, respectively, for receiving conveyed articles diverted off the first and second sides of the belt.” (emphasis added) Bonnet, for example, teaches switching articles from two parallel metering conveyors to four parallel outbound conveyors over the end of the switching belt. And Lapeyre et al. does not teach or suggest the first and second belts of claim 28. For this reason, the rejection of claim 28 is unsupported by the art and should be withdrawn.

Applicant respectfully requests entry of the amendments to the claims and reconsideration of the rejection of the claims in view of the remarks and amendments. This amendment is being filed within two months of the final office action. If the Examiner thinks a telephone conference would expedite the prosecution of this application, he is invited to call the undersigned attorney.

Respectfully submitted,
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